

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: March 9, 2016

RE: **CASE #CU-90-004**

REQUEST: Revocation of a conditional use permit approved on March 20, 1990 to allow a day care nursery in and AP/Administrative Professional District.

APPLICABLE

CODE SECTIONS: **§15.02.090 (D) – Conditional Uses – Procedure**

4. The zoning board of adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. **Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use.** The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact.

LEGAL

DESCRIPTION: Lot 1 of Original Plat Lot 3 and part of Original Plat Lots 9, 10 and 11.

LOCATION: The Northwest corner of Kanesville Boulevard and Frank Street (130 Frank Street)

APPLICANT: City of Council Bluffs – Community Development Department

BACKGROUND – A conditional use permit was issued to Mercy Hospital on March 20, 1990, to allow a day care nursery in an AP/Administrative Professional District at the Northwest corner of Kanesville Boulevard and Frank Street (130 Frank Street) legally described as Lot 1 of Original Plat Lot 3 and part of Original Plat Lots 9, 10 and 11. The building containing the day care has been demolished to allow the construction of a new YMCA facility.

CURRENT ZONING AND LAND USE – Mercy Hospital, zoned AP/Administrative Professional lies to the northeast of the subject property. Residential uses are located to the northwest with St. Patrick's Catholic Church to the southwest, all zoned R-3/Low Density Multi-Family Residential. The Department of Human Services building and another professional building, all zoned C-3/Commercial lies to the southeast.

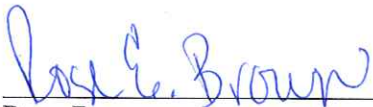
CITY DEPARTMENTS AND UTILITIES – No adverse comments have been received from any City department or public utility.

NEIGHBORHOOD RESPONSE – None.

COMMENTS - Because the structure containing the day care nursery has been demolished, the conditional use permit should be revoked.

RECOMMENDATION

The Community Development Department recommends revocation of the above described conditional use permit, for the reason cited above.



Rose Brown
Planning Coordinator



Rebecca Sall
Assistant Planner